IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KATRINA BERAN, 　　　　　　Plaintiff, vs. VSL NORTH PLATTE COURT LLC, 　　　　　　Defendant.	**7:21CV5003** **ORDER REGARDING COURT'S PROPOSED JURY INSTRUCTIONS AND PROPOSED VERDICT FORM**

The case is before the Court in preparation for a jury trial set to begin on Tuesday, May 9, 2023. Attached to this Order are the Court's Proposed Jury Instructions and Proposed Verdict Form. The Court has included annotations with each instruction indicating the Court's sources and authorities and explaining any resolution of differences between the parties' Proposed Jury Instructions. These annotations will be removed before the instructions are read to the jury; they are for purposes of discussion.

The Court deems it appropriate to set a deadline for the parties to *file* responses to the Court's Proposed Jury Instructions and Proposed Verdict Form prior to the start of trial. A response is required even if a party has no objections. The Court and the parties must wrap up the language for Instructions 1 through 12 as soon as possible, because those instructions will be read at the beginning of trial. The Court also requires time to consider the parties' responses to Instructions 13 through 19 before the first jury instruction conference during trial.

Requiring responses is not an invitation to "wordsmith" the instructions or the Verdict Form. Merely "preferring" different language is not a ground for an objection. Any objections must be based in expected and identified evidence in the case or the nature of the damages
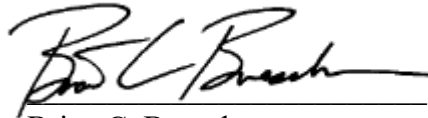
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requested, must provide supporting authority, and must set out proposed alternative language. Failure to meet these requirements will constitute a waiver of any objection.

Accordingly,

IT IS ORDERED that the parties must file responses to the Court's Proposed Jury Instructions and Proposed Verdict Form not later than 9:00 a.m. on Friday, May 5, 2023.

Dated this 2nd day of May, 2023.

BY THE COURT:

Brian C. Buescher
United States District Judge